

COURT  
OF MASS.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JAMES SUSIENKA and  
SHARON SUSIENKA,  
Plaintiffs

v.

UNITED PARCEL SERVICE, INC.,  
ROBERT FERRY and  
TIMOTHY MCKENDRY  
Defendants

2002 JAN 10 A 9:27

CIVIL ACTION NO. 99-40059-NMG

DOCKETED

**PLAINTIFFS JAMES SUSIENKA AND SHARON SUSIENKA'S  
MOTION TO EXTEND TIME PERIOD FOR FILING OPPOSITION TO  
DEFENDANTS' SUMMARY JUDGMENT MOTION  
(ASSENTED-TO)**

The plaintiffs, James Susienka and Sharon Susienka, hereby move to further extend the time period within which to file their Opposition to the Defendants' Motion for Summary Judgment in this matter by an additional three weeks, from January 14, 2002, to February 4, 2002. (The Court had previously allowed an extension of time from December 14, 2001 to January 14, 2002). As grounds therefor, the plaintiffs state that the parties have reached an agreement in principle to settle this matter and are in the process of finalizing the agreement which, if accomplished, would render the defendants' motion moot. Rather than unnecessarily burdening the Court with summary judgment documents if the case is to be resolved, the plaintiffs respectfully request a further extension of time to file their opposition. The defendants assent to this motion.

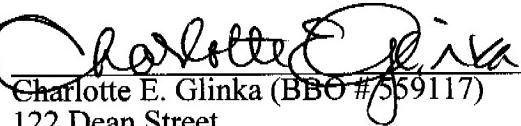
WHEREFORE, and for the foregoing reasons, the plaintiffs respectfully request that this Motion be ALLOWED, and that they be granted an extension of an additional 21 days (to February 4, 2002) to file their Opposition to the Defendants' Motion for Summary Judgment.

62

Respectfully submitted,

The plaintiffs,  
By their Attorneys,

KECHES & MALLEN, P.C.

  
Charlotte E. Glinka (BBO # 559117)

122 Dean Street  
Taunton, MA 02780  
(508) 822-2000

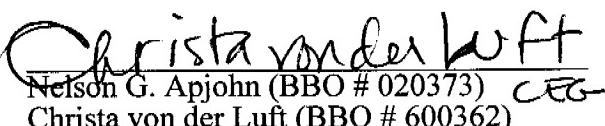
DATED: January 9, 2002

motextd2

Assented to:

The defendants,  
By their Attorneys,

NUTTER, McCLENNEN & FISH, LLP

  
Christa von der Luft (BBO # 600362) *ccg*

Nelson G. Apjohn (BBO # 020373)  
Christa von der Luft (BBO # 600362)  
One International Place  
Boston, MA 02110  
(617) 439-2000

CERTIFICATE OF SERVICE

I, Charlotte E. Glinka, of Keches & Mallen, P.C., counsel for the plaintiffs, hereby certify that on this 9<sup>th</sup> day of January, 2002, I served a copy of **Plaintiffs' James Susienka and Sharon Susienka's Motion to Extend Time Period for Filing Opposition to Defendants' Summary Judgment Motion** by forwarding a copy of same via first-class mail, postage prepaid to:

Nelson G. Apjohn, Esquire  
Christa von der Luft, Esquire  
NUTTER, McCLENNEN & FISH, LLP  
One International Place  
Boston, MA 02110-2699



CHARLOTTE E. GLINKA

certsrv4